

DENISE A. BRADSHAW, ESQ.  
Nevada State Bar No.: 10521  
BRADSHAW LAW LLC  
603 Pine Street  
Elko, Nevada 89801  
TELE: (775) 738-7444  
FACSIMILE: (775) 738-7455  
E-Mail: [denise@bradshawlawnv.com](mailto:denise@bradshawlawnv.com)  
ATTORNEY FOR PLAINTIFF

MARK E. TRAFTON, ESQ.  
Nevada State Bar Number: 6525  
1900 Industrial Road  
Las Vegas, Nevada 89102  
TELE: (702) 385-1813  
FACSIMILE: (702) 382-9633  
E-Mail: [mark@belltransportation.com](mailto:mark@belltransportation.com)  
- and -

JOHN H. COTTON, ESQ.  
Nevada Bar Number 5268  
TODD M. WEISS, ESQ.  
Nevada Bar Number: 14130  
JOHN H. COTTON & ASSOCIATES  
7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
TELE: (702) 832-5909  
FACSIMILE: (702) 832-5910  
Email: [jhcotton@cottonlaw.com](mailto:jhcotton@cottonlaw.com)  
[tweiss@cottonlaw.com](mailto:tweiss@cottonlaw.com)  
ATTORNEYS FOR DENBEL & WHITTLESEA

RHONDA LONG, ESQ.  
Nevada Bar Number: 10921  
LAW OFFICE OF LEE J. GRANT, II  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113  
TELE: (702) 233-9303  
FACSIMILE: (702) 780-8119  
E-Mail: [Rhlong@geico.com](mailto:Rhlong@geico.com)  
ATTORNEY FOR GLENN WILLIAM MURPHY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JOSEPHINE DI VINCENZO,	)	CASE NO.: 2:19-cv-01994-JAD-VCF
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SOLOMON WOJI DENBEL;	)	<b><u>STIPULATION AND ORDER GRANTING</u></b>
WHITTLESEA BLUE CAB COMPANY,	)	<b><u>LEAVE TO PLAINTIFF TO FILE</u></b>
	)	<b><u>SECOND AMENDED COMPLAINT</u></b>
	)	<b><u>AND TO AMEND CAPTION</u></b>

continued...

1 a Nevada corporation; GLENN )  
2 WILLIAM MURPHY; DOES I-X, )  
3 inclusive; ABC CORPORATIONS, )  
4 inclusive; and, XYZ PARTNERSHIPS, )  
5 inclusive, )  
6 Defendants. )

7 **IT IS HEREBY STIPULATED**, by and among counsel for the parties, pursuant to LR  
8 26-1(b)(2), that Plaintiff may file her Second Amended Complaint (a copy of which is  
9 attached hereto as Exhibit "A") in the above-entitled action.

10 **IT IS FURTHER STIPULATED** that, pursuant to Graziose v. Am. Home Prods. Corp.,

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202 F.R.D. 638, 643 (D. Nev. 2001), the DOE allegations be removed from the caption.

**DATED** this 6<sup>th</sup> day of MAY, 2020.

**BRADSHAW LAW LLC**

By: /s/ DENISE A. BRADSHAW  
DENISE A. BRADSHAW  
Nevada Bar Number: 10521  
603 Pine Street  
Elko, Nevada 89801  
ATTORNEY FOR PLAINTIFF

By: /s/ MARK E. TRAFTON  
MARK E. TRAFTON  
Nevada Bar Number: 6525  
1900 Industrial Road  
Las Vegas, Nevada 89102  
ATTORNEY FOR DENBEL/  
WHITTLESEA BLUE CAB COMPANY

**LAW OFFICE OF LEE J. GRANT, II**

**JOHN H. COTTON & ASSOCIATES**

By: /s/ RHONDA LONG  
RHONDA LONG  
Nevada Bar Number: 10921  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113  
ATTORNEY FOR GLENN WILLIAM  
MURPHY

By: /s/ JOHN H. COTTON  
JOHN H. COTTON  
Nevada Bar Number: 5268  
TODD M. WEISS  
Nevada Bar Number: 14130  
7900 West Sahara Avenue, #200  
Las Vegas, Nevada 89117  
ATTORNEYS FOR DENBEL/  
WHITTLESEA BLUE CAB  
COMPANY

**ORDER**

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that the caption in the above-entitled action shall be

**IT IS SO ORDERED.**

**UNITED STATES MAGISTRATE JUDGE**

**DATED: 5-15-2020**

**EXHIBIT “A”**

DENISE A. BRADSHAW, ESQ.  
Nevada State Bar No.: 10521  
BRADSHAW LAW LLC  
603 Pine Street  
Elko, Nevada 89801  
TELE: (775) 738-7444  
FACSIMILE: (775) 738-7455  
E-Mail: [denise@bradshawlawnv.com](mailto:denise@bradshawlawnv.com)

ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSEPHINE DI VINCENZO,  
Plaintiff,

vs.

SOLOMON WOJI DENBEL;  
WHITTLESEA BLUE CAB COMPANY,  
a Nevada corporation; and, GLENN  
WILLIAM MURPHY,  
Defendants.

CASE NO.: 2:19-cv-01994-JAD-VCF

**SECOND AMENDED COMPLAINT**

Plaintiff, JOSEPHINE DI VINCENZO, by and through her counsel, DENISE A. BRADSHAW, ESQ. of BRADSHAW LAW LLC, for her Second Amended Complaint against the Defendants, and each of them, avers and alleges as follows:

**JURISDICTION**

**I.**

Pursuant to LR 8-1, this case was removed from the Eighth Judicial District Court of the State of Nevada to the United State District Court on November 15, 2019, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 and has since proceeded in this Court.

**II.**

That Plaintiff, JOSEPHINE DI VINCENZO, is a resident of Canada.

**III.**

That at all times pertinent hereto, Defendant, SOLOMON WOJI DENBEL, was a resident of County of Clark, State of Nevada, and acting as a common motor carrier of

1 passengers in his capacity as an employee, agent and/or representative of Defendant,  
2 WHITTLESEA BLUE CAB COMPANY.

3 IV.

4 That at all times pertinent hereto, Defendant, WHITTLESEA BLUE CAB COMPANY,  
5 was a corporation formed by virtue of and doing business in and under the laws of the State  
6 of Nevada as a common motor carrier of passengers.

7 V.

8 That at all times pertinent hereto, Defendant, GLENN WILLIAM MURPHY, was a  
9 resident of the County of Clark, State of Nevada.

10 **FIRST CLAIM FOR RELIEF**

11 ***(Negligence)***

12 VI.

13 That at all times pertinent hereto, Defendant, SOLOMON WOJI DENBEL, was an  
14 employee, agent and/or representative of Defendant, WHITTLESEA BLUE CAB  
15 COMPANY, acting under the direction and control of Defendant, WHITTLESEA BLUE CAB  
16 COMPANY, and was within the course and scope of his employment and/or agency,  
17 ostensible or otherwise, with Defendants, and each of them. His actions as alleged herein  
18 were either expressly or impliedly ratified and approved by Defendants, and each of them.

19 VII.

20 That at all times pertinent hereto, Defendant, SOLOMON WOJI DENBEL, was  
21 operating a 2016 Ford Transit Connect Van Taxicab which was owned by Defendant,  
22 WHITTLESEA BLUE CAB COMPANY.

23 VIII.

24 That at all times pertinent hereto, Defendant, GLENN WILLIAM MURPHY, was  
25 operating a 2006 Ford F150 Pick-Up Truck.

26 IX.

27 That at all times pertinent hereto, Defendants, SOLOMON WOJI DENBEL and  
28 GLENN WILLIAM MURPHY, had a duty to operate their respective motor vehicles in a safe,

1 lawful and reasonable manner on the public roadways in the State of Nevada.

2 **X.**

3 That on or about the 7<sup>th</sup> day of OCTOBER, 2017, Plaintiff, JOSEPHINE DI  
4 VINCENZO, lawfully entrusted Defendants, and each of them, with her safety and well-  
5 being by entering the 2016 Ford Transit Connect Van Taxicab as a guest and business  
6 invitee. That Plaintiff provided Defendant, SOLOMON WOJI DENBEL, with the address of  
7 her intended destination.

8 **XI.**

9 That at all times pertinent hereto, Defendant, SOLOMON WOJI DENBEL, owed a  
10 heightened duty of care to Plaintiff - his passenger in the 2016 Ford Transit Connect Van  
11 Taxicab.

12 **XII.**

13 That at the time aforesaid, Defendant, SOLOMON WOJI DENBEL, with Plaintiff as  
14 his passenger, was operating the 2016 Ford Transit Connect Van Taxicab westbound on  
15 Spring Mountain at the intersection with Interstate 15 in the County of Clark, State of  
16 Nevada.

17 **XIII.**

18 That at the time and place aforesaid, Defendant, GLENN WILLIAM MURPHY, was  
19 operating the 2006 Ford F150 Pick-Up Truck eastbound on Spring Mountain approaching  
20 the Interstate 15 intersection.

21 **XIV.**

22 That at the time and place aforesaid, Defendants, and each of them, so recklessly,  
23 carelessly, negligently and in violation of state laws and local ordinances, operated their  
24 respective motor vehicles as to cause them to collide.

25 **XV.**

26 That as direct and proximate result of the recklessness, carelessness, negligence  
27 and negligence per se of the Defendants, and each of them, Plaintiff suffered serious  
28 personal injuries and pain and suffering all to her general damage in a just and reasonable

1 amount in excess of FIFTEEN THOUSAND DOLLARS AND 00/100 (\$15,000.00).

2 **XVI.**

3 That as a further direct and proximate result of the recklessness, carelessness,  
4 negligence and negligence per se of the Defendants, and each of them, Plaintiff will incur  
5 medical, physician, therapeutic, cognitive and other related expenses into the future in an  
6 amount presently unascertained. Plaintiff prays leave to prove such amounts at the trial of  
7 this matter.

8 **XVII.**

9 That as a direct and proximate result of the recklessness, carelessness, negligence  
10 and negligence per se of the Defendants, and each of them, Plaintiff was required to retain  
11 the services of an attorney to prosecute this matter and is entitled to a reasonable attorney's  
12 fee and costs of suit.

13 **WHEREFORE**, Plaintiff prays judgment against the Defendants, and each of them,  
14 as more fully set forth below.

15 **SECOND CLAIM FOR RELIEF**

16 ***(Negligent Entrustment)***

17 **XVIII.**

18 Plaintiff hereby incorporates Paragraphs I-XVII of the Jurisdiction and First Claim for  
19 Relief as though set forth in haec verba.

20 **XIX.**

21 That Defendant, WHITTLESEA BLUE CAB COMPANY, as a common carrier of  
22 passengers, owed a duty to Plaintiff to ensure that the operation of its 2016 Ford Transit  
23 Connect Van Taxicab on the public roadways in the State of Nevada was performed in a  
24 safe, lawful and reasonable manner.

25 **XX.**

26 That Defendant, WHITTLESEA BLUE CAB COMPANY, breached its duty to Plaintiff  
27 by knowingly entrusting said 2016 Ford Transit Connect Van Taxicab to Defendant,  
28 SOLOMON WOJI DENBEL.



1 XXI.

2 That as a direct and proximate result of the breach of said duty by Defendants, and  
3 each of them, Plaintiff sustained injuries and damages as set forth above.

4 WHEREFORE, Plaintiff prays judgment against the Defendants, and each of them,  
5 as more fully set forth below.

6 **THIRD CLAIM FOR RELIEF**

7 ***(Negligent Supervision/Training)***

8 XXII.

9 Plaintiff hereby incorporates Paragraphs I-XVII of the Jurisdiction and First Claim for  
10 Relief and Paragraphs XVIII - XXI of the Second Claim for Relief as though set forth in haec  
11 verba.

12 XXIII.

13 That at all times pertinent hereto, as set forth above, Defendant, SOLOMON WOJI  
14 DENBEL, was an employee, agent and/or representative of Defendant, WHITTLESEA  
15 BLUE CAB COMPANY.

16 XIV.

17 That Defendant, WHITTLESEA BLUE CAB COMPANY, as a common carrier of  
18 passengers, had a heightened duty to protect its passengers by ensuring that its  
19 employees, agents and/or representatives operated its vehicles in a safe, lawful and  
20 reasonable manner on the public roadways in the State of Nevada.

21 XXV.

22 That Defendant, WHITTLESEA BLUE CAB COMPANY, a common carrier of  
23 passengers, had a duty to exercise reasonable care in the selection, training and/or  
24 supervision of its employees, agents and/or representatives who operate its vehicles on the  
25 public roadways so as not to create an unreasonable risk of bodily injury to members of the  
26 public, including its guests and business invitees.

27 XXVI.

28 That Defendant, WHITTLESEA BLUE CAB COMPANY, breached said duty to

1 Plaintiff.

2 XXVII.

3 That as a direct and proximate result of the breach of duty by Defendant,  
4 WHITTLESEA BLUE CAB COMPANY, Plaintiff sustained injuries and damages as set forth  
5 above.

6 **WHEREFORE**, Plaintiff, while expressly reserving her right to amend this Complaint  
7 up to and including the time of trial to include additional Defendants, all theories of recovery,  
8 and items of damages not yet ascertained, demands judgment against the Defendants, and  
9 each of them, as follows:

10 1. For general damages for in a just and reasonable amount in excess of FIFTEEN  
11 THOUSAND DOLLARS AND 00/100 (\$15,000.00);

12 2. For special damages for future medical, therapeutic, cognitive and related  
13 expenses to be proven at the trial of this matter;

14 3. For reasonable attorney's fees and costs incurred herein;

15 4. For prejudgment interest according to law; and,

16 5. For such other and further relief as the Court may deem just and proper in the  
17 premises.

18 **DATED** this 6th day of MAY, 2020.

19 **BRADSHAW LAW LLC**

20  
21 By: 

22 DENISE A. BRADSHAW  
23 Nevada Bar Number: 10521  
24 603 Pine Street  
25 Elko, Nevada 89801  
26 ATTORNEY FOR PLAINTIFF  
27  
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**CERTIFICATE OF SERVICE BY MAIL**

I hereby certify that I am an employee of BRADSHAW LAW LLC, and that on this date, pursuant to FRCP 5(b), I deposited in the United States mail at Elko, Nevada, a true and correct copy of the foregoing document addressed to:

MARK E. TRAFTON, ESQ.  
1900 Industrial Road  
Las Vegas, Nevada 89102;

JOHN H. COTTON, ESQ.  
TODD M. WEISS, ESQ.  
**JOHN H. COTTON & ASSOCIATES, LTD.**  
7900 West Sahara Avenue, Suite 20  
Las Vegas, Nevada 89117; and,

RHONDA LONG, ESQ.  
**LAW OFFICES OF LEE J. GRANT, II**  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113.

**DATED** this \_\_\_\_\_ day of MAY, 2020.

\_\_\_\_\_  
LISA M. FARMER